

Pennridge is a K-12 public school district located in Perkasio, Pennsylvania. Its District's Central office is located at 1200 North 5th. Street, Perkasio, Pennsylvania 18944. Pennridge's school district consists of 11 schools and serves over 7,200 pupils. It is presently within the 50% E-Rate discount band. Historically, Pennridge has participated in the E-Rate Program, leveraging available discounts to help defray expenses for eligible telecommunications services to better serve its students.

We would like to request reconsideration of the denial of a waiver of the Schools and Libraries E-Rate 2018 filing window deadline under CC Docket No. 02-06 (as appeared in DA 18-491 on May 17, 2018, pg. 12) to allow a late application to be reviewed and considered for funding. This request is presented and based on the following special circumstances:

- Pennridge's FY2018 FCC Form 471 # 181042550 was filed out of window on April 12, 2018 which is 7 **calendar days** after the "14-day grace-period" that has been routinely applied to applications filed "Out of Window".
- Pennridge's FCC Form 471 was filed 15 ***business days*** after the filing window and immediately upon recognition of the error.
- See **2017/18 Pennridge School District Calendar – Revised** which shows a **loss of 7 business days** due to inclement weather in the days leading up to and immediately following the March 22, 2018 FCC Form 471 Filing deadline.

Our area of Pennsylvania suffered many snow event days (March 7, 21/22, 28; April 2) and in conjunction with Spring Break school closures (March 28-30). This fact pattern led to confusion and delay in collecting and evaluating vital information that *may have* still resulted in an Out of Window application but in the absence of these weather events, would have still allowed a Late-Filed FCC Form 471 Application Filed within 14 Days of the Close of the Window (*the standard language referenced in the multiple waivers the Commission has routinely granted over the last several years*).¹ If we back into the 2018/2019 Form 471 application deadline, these 7 business days would have not equated to an application filed on April 12 but rather, an application filed no later than April 4, 2018, which is well within the routinely approved waiver relief offered by the Bureau.

- Pennridge's E-Rate contact is new to the E-Rate program which led to confusion as to what services were actually eligible to receive E-Rate discounts, given the following circumstances:
 - Pennridge phased out of support for voice services and there was confusion over whether Pennridge's WAN services were even eligible for discount, given the fact other services were no longer 'eligible'.
 - Because of her inexperience with the E-Rate program, there was uncertainty as to whether there was even a need to file a Form 471 application each year considering there was no need to file a Form 470 for 2018/2019 as the WAN services are delivered via multi-year contract.
- Had Pennridge not lost 7 business days to inclement weather events, staff would have been available to address this confusion and ensure a timely filing of their 2018/2019 Form 471 application or, at least within the 14 days immediately following the close of the 2018/2019 Form 471 window close. See attached pdf. files as located at **<https://sites.google.com/a/pennridge.us/pennridge-school-district/first-reads/2017-18districtcalendarupdate>**
 - 2017-18 District Calendar Update - The Pennridge School District.pdf
 - 2017-18_PennridgeSchoolsDistrict_District Calendar.pdf

¹ See, e.g., *Requests for Waiver and Review of Decisions of the Universal Service Administrator by Academy of Math and Science et al.*; *Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 25 FCC Rcd 9256, 9259, para. 8 (2010) (*Academy of Math and Science Order*) (*finding special circumstances exist to justify granting waiver requests where applicants filed their FCC Forms 471 within 14 days after the FCC Form 471 filing window deadline*).

- The loss of funds would cause a significant hardship upon Pennridge, especially considering that without an approved E-Rate application, the District would have to take on the full cost of their WAN service which may be crippling for this already struggling school district.

II. Request

In light of the above circumstances, Pennridge respectfully requests reconsideration of our request for waiver of the Funding Year 2018 FCC Form 471 filing deadline to allow its Out-of-Window submission of Funding Year 2018 FCC Form 471 # 181042550.

Generally, the Commission's rules may be waived if good cause is shown. 47 C.F.R. S1.3. Waiver of the Commission's rules is appropriate if both (i) special circumstances warrant a deviation from the general rule, and (ii) such deviation will serve the public interest.²

Pennridge filed its Form 471 late due to the repeated heavy weather events in Eastern Pennsylvania exacerbated by the unfortunate confusion present in the understanding of 'eligible' services versus those services that were 'no longer eligible' due to a phase out of support rather than an actual change the eligibility of certain services.

Markedly, the Commission has previously granted waivers under like circumstances where, *"...these applications were filed close enough to the deadline so as not to impair the administration of the program."*³

As such, we implore the Commission to waive the 2018/2019 Form 471 filing deadline in this limited instance and direct USAC to accept and commence review of Pennridge's Form 471# 181042550.

Respectfully,

Diane T. Miller
Pennridge School District
Director of Technology

² See *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990); accord *Network IP, LLC v. FCC*, 548 F.3d 116, 127 (D.C. Cir. 2008).

³ **Acorn Public Library Order** (https://apps.fcc.gov/edocs_public/attachmatch/DA-08-2376A1.pdf)

In 2006 and 2007, in the Bishop Perry Order and the Academy for Academic Excellence Order, the Commission and the Bureau, respectively, granted waivers to applicants who missed the FCC Form 471 filing window deadline due to circumstances beyond their control, including inclement weather, technical malfunctions, school reorganizations, misunderstandings/confusion, personal emergencies, or inadvertent errors.;

We find that the delay in these specific cases was not likely to impede USAC's ability to administer the E-rate program. Because the violation at issue is procedural, not substantive, we find that complete rejection of each of these applications is not warranted. Therefore, in the absence of any evidence of waste, fraud, or abuse, misuse of funds, or a failure to adhere to core program requirements and because the FCC Form 471 was filed within 14 days after the filing window deadline, we find it in the public interest to waive the FCC Form 471 deadline. (10/30/2008);

Academy of Math and Science Order (https://apps.fcc.gov/edocs_public/attachmatch/FCC-10-122A1.pdf)

Consistent with our precedent, we find that these violations do not constitute substantive violations of the Commission's rules, but instead are procedural violations, and therefore, a complete rejection of these applications is not warranted. While filing and other procedural deadlines are necessary to maintain the efficient administration of the application process, we find that these applications were filed close enough to the deadline so as not to impair the administration of the program. (7/7/2010)

